

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF MASSACHUSETTS

DAVID WILLIAMS, pro se  
Plaintiff

v.

DAVID NOLAN, PETER E. ALLEN,  
KRISTIE LADOUCEUR, SHERRY  
ELLIOTT, GARY FYFE, FRANCIS  
MACKINNON, each sued in  
their personal capacities,  
Defendants.

District Court Docket N  
05-cv-11104-MLW

PLAINTIFF'S AFFIDAVIT IN SUPPORT OF MOTION  
TO ENLARGE TIME FOR SERVICE

I, David Williams, pro se, depose and hereby state the following:

1. That I am the plaintiff in the above-captioned action and I am presently incarcerated at Massachusetts Correctional Institution located in South Walpole, Massachusetts, which is operated by the Department of Correction within the state of Massachusetts.
2. That I am of sound mind and competent to testify to the matters stated herewithin this affidavit in support of motion to enlarge time for service.
3. That the following exhibits referred to within this affidavit are copies received by plaintiff through the Department of Correction Legal Division and United States Postal Service original card.
4. That on June 14, 2005, I sent by certified mail a copy of the complaint and notice of lawsuit and request for waiver of service.



*The Commonwealth of Massachusetts*  
*Executive Office of Public Safety*  
*Department of Correction*  
*Legal Division*



Mitt Romney  
Governor

Kerry Healey  
Lieutenant Governor

Edward A. Flynn  
Secretary

*70 Franklin Street, Suite 600*  
*Boston, MA 02110-1300*  
*(617) 727-3300 Ext. 124*  
*www.mass.gov/doc*

Kathleen M. Dennehy  
Commissioner

James F. Sander  
Deputy Commissioner

Nancy Ann White  
General Counsel

August 10, 2005

David Williams, W42189  
MCI-Cedar Junction  
Route 1A  
P.O. Box 100  
S. Walpole, MA 02071

Re: Williams v. Nolan, et al. U.S.D.C. No. 05-11104-MLW

Dear Mr. Williams:

I am in receipt of your two recent letters. First, regarding your letter suggesting that you are amenable to settling this matter without further litigation, I am willing to bring any terms of settlement that you may suggest to the defendants for their review. Accordingly, please forward to my attention any terms you believe may result in the negotiated settlement of this civil action.

With regard to your letter inquiring as to the waiver of service summons, please be advised that defendants Nolan, Elliot, Ladouceur, Fyfe and MacKinnon have filed an answer to your complaint, thus acknowledging receipt of the complaint. Therefore, the issue of service of process on defendants Nolan, Elliot, Ladouceur, Fyfe and MacKinnon is moot at this time. It is my understanding that Peter Allen is no longer employed by the Department of Correction.

Sincerely,

Richard C. McFarland

RCM/am